IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSDAY, THE ELEVENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17707 OF 2005

Between:

Akula Venkatalakshmi & Ors. …. Petitioners

Versus

The Mandal Revenue Officer,

Bhimavaram Mandal, West Godavari district

& Anr. … Respondents

O R D E R :

Questioning the notice dated 00-7-2005 in ROC.No.721/94 (B) issued by the Mandal Revenue Officer, Bhimavaram, cancelling the land of Circar Agricultural Corporation land in an extent of Acs:1500-00 cents and upheld an extent of Acs:184-00 cents on the ground that the petitioner is ineligible Sivai Jamadars and directed to vacate the said land voluntarily within fifteen days, failing which action will be initiated under section 6 of the AP Land Encroachment Act 1905, this writ petition is filed.

The contention of the petitioners is that by virtue of GO.Ms.No.1, Mis Revenue Department dated 03-1-1921 the-then Government of Madras sanctioned assignment in favour of Circars Agricultural Development Corporation Limited in respect of the land admeasuringAcs:1500-00 in RS.No.65/A of Losarigutlapadu village, Bhimavaram taluk, Krishna district and accorded permission to irrigate the land by pumping from adjoining Yenamadurru drain subject to certain conditions stipulated therein.

It is submitted that as per the Articles of Association, there were 50,000 shares and certain members of the Corporation became shareholders and pursuant to the Articles of the Corporation, the Corporation allotted land to its shareholders in proportion to the shares held by them and the allotment was made in the year 1958. About 40 years ago, the predecessors of the petitioners were inducted into possession of the land as tenants and now the small extents of land being cultivated by the petitioner. While things stood thus, by virtue of GO.Ms.No.466, Revenue (Assignment) Department, dated 20-5-1994 the Government of Andhra Pradesh cancelled the assignment of land made in favour of Circar Agricultural Development Corporation Limited and further directed the District Collector, West Godavari to resume the land and assign the same in favour of ineligible 'Sivai Jamadars'.

It is further submitted that questioning the said GO, the shareholders of the Corporation filed WP.Nos.11128 and 11220 of 1994 and this court while disposing of the said writ petitions granted statusquo. By virtue of common order dated 28-6-2004 passed in WP.Nos.11128 and 11220 of 1994, the revenue officials conducted survey of the entire extent of Acs:1500-00 for recognizing eligible 'sivai jamadars' in occupation of the lands. After conducting survey, a list of 908 persons were identified and the Mandal Revenue Officer, Bhimavaram called for the objections and among the said list the petitioners herein are arrayed at serial numbers (katha numbers) 649, 676, 119, 99, 174, 544, 278, 412, 117, 879, 647, 867, 610, 267 and 844.

Now the learned counsel for the petitioners contended that the action of the respondents under the impugned notice, directing the petitioners to vacate the land

is liable to be declared as arbitrary, illegal and violative of Article 14, 21 and 300-A of the Constitution of India, mainly on the ground that the petitioners are eligible for pattas and they have no other lands except small extents of lands, which are the only source of their livelihood.

Considering the facts and circumstances of the case and taking into consideration the submission made by the learned counsel for the petitioners, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the petitioners to make a representation to the first respondent pursuant to the impugned notice RC.No.721/94(B) within two weeks from the date of receipt of a copy of this order. On submission of such representation, the first respondent is directed to consider and dispose of the same within twelve weeks thereafter, on merits and in accordance with law, after affording reasonable opportunity of hearing the petitioners. Till such time, the respondents are directed not to dispossess the petitioners from the lands, which are in their possession and enjoyment.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 11th, 2005. ----------

I S L. ELIPE DHARMA RAO , J